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IDAHO STATE LODGE
FRATERNAL ORDER OF POLICE

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Honorable Senator Todd Lakey, Chairman
Senate Judiciary, Rules & Administration
Idaho State Legislature
PO Box 83720
Boise, Idaho 83720

RE: HB 170 Opposition

Dear Chairman Lakey and members of the Senate Judiciary, Rules & Administration Committee:

This letter is in reference to House Bill 170. I want to thank you for your time and consideration of the following points in reference to this bill, and its potential impact on child abuse and sex abuse investigations. I am writing this as the Legislative Chairman of the Idaho Fraternal Order of Police and after much input from Detectives, Investigators and Prosecutors from around the state who are working these cases.

-Miranda was established for Law Enforcement Officers in reference to custodial interviews and interrogation where the individual is either not free to leave (custodial) or does not believe (due to the circumstances of the incident) that they are free to leave. This creates quite a conundrum, as Child Protective Service and Health and Welfare workers are not Law Enforcement Officers and do not have arrest powers, nullifying the need for Miranda.

-After Miranda has been read inappropriately, it makes it extremely difficult for investigators to proceed with formal investigations as Miranda has been given cart blanche to individuals whether there is a reason to believe they have committed a criminal act or not. This is on initial contact with the individuals in reference to a complaint to Child Protective Services and Health and Welfare. The information given to Child Protective Services and Health and Welfare to start looking into complaints or allegations is generally vague and quite often unfounded, so you can see how problematic this is, especially when child victims are at stake.

-This bill limits the ability to conduct thorough investigations and creates roadblocks for Child Protective Services, Health and Welfare and Law Enforcement should a case be founded. Any information (including exculpatory, or able to provide an alibi or identify other potential suspects) could potentially be lost due to the Miranda warning and the implications of being given the Miranda warning (a common belief that the individual being given the warning is a suspect or could face criminal prosecution for any statements made by them).

-In unfounded cases, the case worker must decide (many times based on vague or unfounded allegations) as to whether a child should be placed into foster care (under imminent danger) with little or no corroboration or cooperation from the potential suspects. Based on this scenario, it would be more likely than not, that case workers would err on the side of caution (rather than dismiss the allegations) and if possible, declare the child. The cause and effect of this is;

-more shelter care hearings

-bigger caseloads

-victims not being identified in a timely manner

-If passed, this bill will cost tens of thousands of dollars and hundreds of man hours to teach social workers the intricacies of Miranda in a setting it does not apply. This could lead to violations of Federal Law as it pertains to the protections for children and the access to potentially abused children by social workers. Undoubtedly, there would be a need for more social workers to assist with the increasing case load, causing the overall cost to increase exponentially.

-Parental rights are already on the books. Please see Idaho Code 32-1010. This code covers the rights of parents as it pertains to their children and their responsibilities as parents.

-Ultimately, the passage of this bill will lead to the victimization of children and the hindrance of Law Enforcement and those sworn to protect them from being able to fulfill their duties.

The Idaho Fraternal Order of Police has nearly 2,000 members across the state and we collectively oppose this bill due to the concerns stated above. Thank you for your time and consideration of our concerns about this bill.

Sincerely,

Chris Orvis
Legislative Chairman
Idaho Fraternal Order of Police

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